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means whereby, in the last resort, the rights which nations enjoy in time of peace may be vindicated.

The second work in this series is that of Balthazar Ayala: *De Jure et Officiis Bellicis et Disciplina Militari*. Edited by John Westlake, with a translation of the text by John Pawley Bate in two volumes. Pp. xxvii, 226, and xvi, 245.

Westlake points out that Grotius marked Ayala and Gentili (whose work will appear in this series), as his two chief predecessors. Of these Ayala is first in time. Ayala was born at Antwerp of Spanish parentage and held the office of auditor, *i. e.*, military judge and judicial adviser to the chief of the army, something like our judge-advocate-general, by appointment of Philip II of Spain. His book was written and published while he was holding this office. It is less a treatise than a collection of authorities and examples from the literature of all times. Westlake suggests that the collection of data was made before our author took office, and that he then found it impossible to work them out systematically and, therefore, threw them into their present form rather than risk the loss of their publication. Nothing more clearly marks the rudimentary conception of neutrality entertained in Ayala's time, than the assertion of the right of free passage through the territory of another without doing harm, the chief authority for which is the second chapter of Deuteronomy, giving an account of the episode with Sihon, king of the Amorites. The chapter on keeping faith with an enemy contains a good discussion of the subject, and it will perhaps offer some explanation of the moral blindness of the ruler who, believing himself divinely ordained, refuses to conform to the laws that govern the relation of less favored personalities with each other. As Westlake says, "the common humanity on which the duty of keeping faith must be founded, is not felt by those who identify themselves with the divine will to which they attribute institutions, to exist between them and their opponents." Princes of the state as well as of the church, have not hesitated to break their pledged word when their interests deemed it necessary, for God being with them they could do no wrong. Apart from its value as a source book, this book of Ayala is a most fascinating collection of rich material for the student of folk-psychology and of political ethics.

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AMERICAN CITY PROGRESS AND THE LAW. By Howard Lee McBain. Pp. viii, 269. New York: Columbia University Press, 1918.

This volume deals particularly with the relation of the law to American city progress, and the large field of the fiscal, political, economic and social aspects of the subject are not especially referred to, except in so far as they may be necessary in considering the views of the court, which have been predicated upon them. The first two chapters, devoted to home rule by legislative grant, and the breaking down of the rule of strict construction of municipal powers deal with fundamental principles rather than with details of judicial interpretation. Beginning with the statement that the city is a

far more logical unit of government than the state, the author launches into a consideration of the problem of home rule for cities. He argues in favor of securing it by legislative act rather than by vague grant of power in the constitution of the state. In considering the question whether the legislature in the absence of any specific grant of authority has the necessary constitutional power, he is obliged to consider the fundamental question whether and to what extent such legislative power may be delegated to the municipalities. He is of the opinion that the difficulty which has beset the courts in justifying such delegation of power was one largely due to the use of old terms to describe a somewhat new statutory situation, and he suggests that if the home rule act passed by the legislature were called the "charter" of the city, and if the charter, ratified by the voters, were called the "fundamental ordinance" of the city and if the ordinances enacted by the corporate authorities were called by some appropriate term to indicate their inferiority, the difficulty of sustaining the constitutionality of such a legislative act would be largely, if not entirely, overcome. From this problem, the author passes to the problem of the construction of municipal powers. It is an open question whether the rule of strict construction of municipal powers is gradually being broken down, although the cases would indicate that some inroad has been made upon its rigidity. The author expresses the hope that in the specific application of canons of construction, the courts will assume a liberal attitude, and he recommends as highly desirable the principle that the courts should return to the view that any doubt against the powers of a municipal corporation should be resolved not necessarily against the corporation, but always in favor of the public, whether for or against the corporation.

The later chapters of the book are devoted to such subjects as expanding the police power, city planning, including building heights and zoning and excess condemnation, the municipal ownership of public utilities, control over living costs, municipal recreation and the promotion of commerce and industry, including such topics as development of water power, advertising the city, municipal exhibits at expositions and financial aid to private enterprises.

The treatment of the subject is everywhere marked by sober judgment and a thorough grasp of fundamental principles, and the work may be highly recommended to those interested in the important problem therein considered.

WORKMEN'S COMPENSATION LAW JOURNAL. Volume 1, No. 1. New York: C. C. Hine's Sons Company, 1918.

As the Workmen's Compensation Acts are in force in a great majority of the large industrial states of the Union it is not surprising that a law journal devoted exclusively to the reporting of workmen's compensation cases should make its appearance.

While the cases reported in this journal are all printed in other publications, they are scattered over a number of reports and, except in large cities, are not accessible even to lawyers, unless they can afford elaborate and expensive libraries. The journal should, therefore, supply a real want. It is,